

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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| <b>TORRI MONTAGUE DURDEN,</b><br><br>Plaintiff,<br><br>vs.<br><br><b>ROLAND PRICE, et al.,</b><br><br>Defendants. | <b>2:21-CV-11035-TGB-DRG</b><br><br><b>ORDER ADOPTING REPORT<br/>AND RECOMMENDATION<br/>(ECF NO. 31)</b> |
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This matter is before the Court on Magistrate Judge David R. Grand's December 19, 2022 Report and Recommendation ("R&R") recommending that Defendant Kevin Draves's motion for summary judgment be granted. ECF No. 31. The Court previously adopted Magistrate Judge Grand's R&R granting summary judgment in favor of Defendant Roland Price, leaving Defendant Draves as the sole remaining Defendant. ECF No. 17; ECF No. 31, PageID.277 n.1. In recommending that the Court grant summary judgment in favor of Defendant Draves, Magistrate Judge Grand concluded that Plaintiff Torri Montague Durden failed to raise a genuine dispute of material fact on his First Amendment and Fourteenth Amendment claims. ECF No. 31, PageID.286–87.

The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will

make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Here, the R&R was served by mail approximately seven weeks ago. Being mindful of the delays in receiving and responding to mail that are outside of an incarcerated plaintiff’s control, the Court has allowed Plaintiff significant additional time to raise objections. But even with this additional time, Plaintiff has failed to raise any objections to the R&R.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Grand’s Report and Recommendation (ECF No. 31) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that the Plaintiff’s case is **DISMISSED with prejudice**.

**IT IS SO ORDERED.**

Dated: February 7, 2023    s/Terrence G. Berg  
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TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE